

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SHAEL CRUZ, *on behalf of himself and
all others similarly situated,*

Plaintiff,

-v.-

MISSION PETS, INC.,

Defendant.

20 Civ. 1263 (KPF)

ORDER

KATHERINE POLK FAILLA, District Judge:

Plaintiff filed the complaint in this action on February 12, 2020. (Dkt. #1). Service was made on Defendant Mission Pets, Inc. (“Mission Pets”) on February 13, 2020, by service upon the Mission Pets’ registered agent. (Dkt. #5). On March 2, 2020, the Court scheduled an initial pretrial conference in this action for May 6, 2020. (Dkt. #6). Mission Pets’ answer was due on March 5, 2020. (See Dkt. #5). However, Mission Pets never filed an answer or otherwise appeared in this action. On April 30, 2020, the Court reached out to counsel for Plaintiff by email, to see if Plaintiff had any contact with Mission Pets or knew whether Mission Pets would be appearing in the action. The Court never heard back from Plaintiff’s counsel.

On May 4, 2020, the Court adjourned the initial pretrial conference in this case and notified Plaintiff that if he intended to move for a default judgment he should do so in accordance with the Court’s Individual Rules on or before June 5, 2020. (Dkt. #7). Since then Plaintiff has not filed any papers on the docket nor has he had any contact with the Court’s Chambers.

Accordingly, Plaintiff is hereby ORDERED to show cause, on or before **June 19, 2020**, why this case should not be dismissed for failure to prosecute. See Fed. R. Civ. P. 41(b).

SO ORDERED.

Dated: June 9, 2020
New York, New York

A handwritten signature in blue ink, reading "Katherine Polk Faila".

KATHERINE POLK FAILLA
United States District Judge